

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2690 of 2021

1. PRADEEP KUMAR Son of Sri Hridayanand Upadhyay Resident of village and P.o.- Upadhyaypur, Ward no. 7, P.s.- Buxar, Industrial Area, District-Buxar, Bihar, -802118
2. Gajendra Prasad Singh Son of Sri Naurangi Singh Resident of village-Lahladpur, P.o.- Saidabad, Bikam P.s.- Ranitalab Kanpa, District- Patna
3. Ram Sharan Prasad Son of Late Hari Prasad Resident of village- Roh, P.o. and P.s.- Roh, District- Nawada
4. Birenda Kumar Son of Mukhlal Mahto Resident of village and P.o.- Sukhodeora, P.s.- Kauwakol, District- Nawada
5. Krishna Prasad Son of Sri Dhaneshwar Mahto Resident of village- Korma, P.o. and P.s.- Warisaliganj, District- Nawada
6. Parmanand Bharti Son of amdev Bharti Resident of village- Balamatia, P.o.- Devpura, District- Sharan
7. Chandan Kumar Giri Son of Shashi Bhushan Giri Resident of Village and P.o.- Budhra, P.s.- Athmalgola, District- Patna, Biha-803512

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, patna
2. The Additional Chief Secretary-cum-Principal Secretary, General Administration Department, Government of Bihar, patna
3. The Additional Chief Secretary-cum-Principal Secretary, Finance Department, Government of Bihar, patna
4. The Additional Chief Secretary-cum-Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, patna
5. The Director, Directorate of Land Records and Survey, Government of Bihar, Patna
6. The Assistant Director, Directorate of Land Records and Survey, Government of Bihar, patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC 19

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 07-04-2022



Heard learned counsel for the parties.

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“i. For issuance of an order, direction or a writ of mandamus for directing the respondent Authorities to allow the minimum of the Pay-Scale granted to the Amins appointed under the Directorate of Land Records and Survey on permanent basis to the petitioners who were appointed as contractual Amins through a valid selection process having same qualification and are performing identical functions, on the principle of ‘equal pay for equal work’.

ii. For issuance of an order, direction or a writ of mandamus for directing the respondent authorities to implement the decision of the Government of Bihar contained in Resolution dated 17.09.2018 whereby and where under Government has decided to accept the recommendation of the High Level Committee to allow the contractual appointees to work until they attain the age of retirement without any requirement of a special order of extension of the period of contract especially in view of the fact that an order to this effect has already been issued with respect to the Amins working at the District Level in various Circle Offices.

iii. For issuance of an order, direction or a writ of mandamus for directing the respondent authorities to extend other benefits viz. E.P.F. deduction, Travel Allowance etc. to the petitioners in view of similar decision taken by the Government of Bihar in respect of contractual Amins working under the Chakbandi Directorate as well as those working at



the District and Circle level Offices pursuant to the aforesaid Resolution dated 17.09.2018.

iv. For issuance of an order, direction or a writ of mandamus for directing the respondent Authorities to allow the consequential benefit of arrears of difference of salary to the petitioners calculated on the basis of minimum of the Pay-scale available to permanent Amins, from the date of their appointment to the date of payment.”

3. Short question for consideration in the present petition is whether petitioners are entitled to minimum pay attached to the post of Amins or not?

4. Learned counsel for the petitioners relied on the Apex Court decision in the case of *State of Punjab and Others vs. Jagjit Singh and Others* reported in (2017) 1 SCC 148. The principle laid down in the aforesaid decision is that if a person is appointed on *ad hoc* basis, in that event, he is entitled to minimum pay attached to the post, therefore, the concerned authorities are hereby directed to extend minimum pay attached to the post of Amins till their regularization or till the petitioners' services is continued in the concerned department.

5. The above exercise shall be undertaken within a period of two months from the date of receipt of this order while extending all monetary benefits with reference to the minimum pay attached to the post of Amins.



6. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	08.04.2022
Transmission Date	

